IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO: 23458 of 2004

Between:

1 Nemarugommula Aruna Devi, w/o N.Pradeep Rao,
r/o Plot Nos.174 & 175 Part, Saipuri Colony Extension,
Sainikpuri, Secunderabad.
2 N.Pradeep Rao, s/o late Yethiraja Rao,
r/o Plot Nos.174 & 175 Part, Saipuri Colony Extension,
Sainikpuri, Secunderabad.
3 K.Narayana Rao, s/o Sri K.Rayudu,
r/o Plot No.25, Flat-9, Kumar Apartments, Brindavan Colony,

A.S.Rao Nagar, Secunderabad.
4 M.Karuna Murthy, s/o Muthuswamy,
r/o 117, Srinagar Colony, Tirumalagiri, Secunderabad.

..... PETITIONERS

AND

1 Andhra Pradesh Cooperative Appellate Tribunal, at Hyderabad rep., by its Addl.Registrar/Member
2 The Premier Cooperative Urban Bank Ltd., rep., by its Managing Director-Harihar,1-8-303/48/1/G, S.P.Road, Secunderabad.
3 Deputy Registrar of Cooperative Societies/ Divisional Cooperative Officer, Secunderabad Division, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of mandamus declaring the order of 1st respondent dated 10-11-2004 in I.A.No.1411/2004 in C.T.A.No.287/2004, as arbitrary and illegal and consequently set aside the same while directing the respondents-2 and 3 not to take any coercive

steps for recovery of award amount, pending finalisation of appeal before the 1st respondent and pass such other or further orders.

Counsel for the Petitioner: MR.N.B.CHANDRA SEKHAR

Counsel for the Respondents: GP FOR COOPERATION

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23463 of 2004

Between:

1 N.Pradeep Rao, s/o late Yethiraja Rao,
r/o Plot Nos.174 & 175 part, Saipuri Colony Extension,
Sainikpuri, Secunderabad.
2 Nemarugommula Aruna devi, w/o N.Pradeep Rao,
r/o Plot Nos.174 & 175 Part, Siapuri Colony Extension,
Sainikpuri, Secunderabad.
3 K.Rangakar Rao, s/o Rajagopal Rao,
B-132, Sainikpuri 1st Avenue, Secunderabad.

..... PETITIONERS

AND

1 Andhra Pradesh Cooperative Appellate Tribunal, at Hyderabad rep., by its Addl.Registrar/Member
2 The Premier Cooperative Urban Bank Ltd., rep., by its Managing Director, Harihar, 1-8-303/48/1/G, SP Road, Secunderabad.
3 Deputy Registrar of Cooperative Societies/ Divisional Cooperative Officer, Secunderabad Division, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of mandamus declaring the order of 1st respondent dated 10-11-2004 in

I.A.No.1419/2004 in C.T.A.No.283/2004, as arbitrary and illegal and consequently set aside the same while directing the respondents-2 and 3 not to take any coercive steps for recovery of award amount, pending finalisation of appeal before the 1st respondent and pass such other or further orders.

Counsel for the Petitioners: MR.N.B.CHANDRA SEKHAR

Counsel for the Respondents: GP FOR COOPERATION

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO: 23464 of 2004

Between:

1 N. Pradeep Rao Prop. of M/s. Ananth Gas Service R/o Plot Nos. 174 &

175 Part, Saipuri Colony Extension, Sainikpuri, Secunderabad
2 Nemarugommula Aruna Devi W/o N. Pradeep Rao
Plot Nos. 174 & 175 Part Saipuri Colony Extension Sainikpuri,

Secunderabad
3 K. Rangakar Rao S/o Rajagopal Rao
B-132, Sainikpuri 1st Avenue Secunderabad

.... PETITIONERS

AND

1 Andhra Pradesh Cooperative Appellate Tribunal, at Hyderabad,

rep by Additional Registrar/Member
2 The Premier Cooperative Urban Bank Ltd., rep by Managing

Director-Harihar, 1-8-303/48/1/G, S.P. Road, Secunderabad
3 Deputy Registrar of Cooperative Societies/ Divisional Cooperative

Officer, Secunderabad Division, Secunderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction preferably one in the nature of Writ of Mandamus declaring the order of 1st respondent dated 10-11-2004 in I.A. No. 1409/2004 in CTA No. 288/2004 as arbitrary and illegal and consequently set a side the same while directing the respondnets-2 and 3 not to take any coercive steps for recovery of award amount, pending finalisation of appeal before the 1st respondent and pass such other or further orders as are necessary.

Counsel for the Petitioners: MR.N.B.CHANDRA SEKHAR

Counsel for the Respondents: GP FOR COOPERATION

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO: 23465 of 2004

Between:

1 Nemarugommula Aruna Devi W/o Pradeep Rao
R/o Plot Nos. 174 & 175 Part, Saipuri colony Extension, Sainikpuri,

Secunderabad
2 N. Pradeep Rao S/o Late Yethiraja Rao
R/o Plot Nos. 174 & 175 Part, Saipuri colony Extension, Sainikpuri,

Secunderabad
3 K. Narayana Rao S/o Sri K. Rayudu
R/o Plot No. 25, Flat-9, Kumar Apartments, Brindavan Colony,

A.S. Rao Nagar, Secunderabad

..... PETITIONERS

AND

1 Andhra Pradesh Cooperative Appellate Tribunal at Hyderabad, rep by

Additional Registrar/Member
2 The Premier Cooperative Urban Bank Ltd., rep by Managing Director-

Harihar 1-8-303/48/1/G, S.P. Road, Secunderabad
3 Deputy Registrar of Cooperative Societies/ Divisional Cooperative

Officer, Secunderabad Division, Secunderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, preferably one in the nature of Writ of Mandamus declaring the order of 1st respondent dated 10-11-2004 in I.A. No. 1413/2004 in CTA No. 286/2004 as arbitrary and illegal and consequently set a side the same while directing the respondents-2 and 3 not to take any coercive steps for recovery of award amount pending finalisation of appeal before the 1st respondent and pass such other or further orders as are necessary.

Counsel for the Petitioners: MR.N.B.CHANDRA SEKHAR

Counsel for the Respondents: GP FOR COOPERATION

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO: 23466 of 2004

Between:

1 Nemarugommula Aruna Devi, w/o N.Pradeep Rao,
r/o Plot Nos.174 & 175 Part, Saipuri Colony Extension,
Sainikpuri, Secunderabad.
2 N.Pradeep Rao, s/o Late Yethiraja Rao,
r/o Plot Nos.174 & 175 Part, Saipuri Colony Extension,
Sainikpuri, Secunderabad.
3 K.Narayana Rao, s/o Sri K.Rayudu,
r/o Plot No.25, Flat-9, Kumar Apartments, Brindavan Colony,

A.S.Rao Nagar, Secunderabad.

..... PETITIONERS

AND

1 Andhra Pradesh Cooperative Appellate Tribunal, at Hyderabad,

rep., by its Addl.Registrar/Member
2 The Premier Cooperative Urban Bank Ltd., rep., by its Managing

Director - Harihar,1-8-303/48/1/G, S.P.Road, Secunderabad.
3 Deputy Registrar of Cooperative Societies/ Divisional Cooperative

Officer, Secunderabad Division, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of mandamus declaring the order of 1st respondent dated 10-11-2004 in I.A.No.1417/2004 in C.T.A.No.285/2004, as arbitrary and illegal and consequently set aside the same while directing the respondents-2 and 3 not to take any coercive steps for recovery of award amount, pending finalisation of appeal before the 1st respondent and pass such other or further orders.

Counsel for the Petitioners: MR.N.B.CHANDRA SEKHAR

Counsel for the Respondents: GP FOR COOPERATION

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO: 23467 of 2004

Between:

1 Nemarugommula Aruna Devi W/o N. Pradeep Rao
r/o Plot Nos. 174 & 175 Part Saipuri Colony Extension, Sainikpuri,

Secunderabad
2 N. Pradeep Rao S/o Late Yethiraja rao
r/o Plot Nos. 174 & 175 Part Saipuri Colony Extension, Sainikpuri,

Secunderabad
3 K. Narayana Rao S/o Sri K. Rayudu
R/oPlot No. 25, Flat -9 Kumar Apartments, Brindavan Colony, A.S. Rao

Nagar, Secunderabad.
4 M. Karuna Murthy S/o Muthuswamy
Srinagar Colony, Tirumalagiri, Secunderabad

..... PETITIONERS

AND

1 Andhra Pradesh Cooperative Appellate Tribunal at Hyderabad, rep by

Addl. Registrar/ Member
2 The Premier Cooperative Urban Bank Ltd., rep by Managing Director-

Harihar, 1-8-303/48/1/G, S.P. Road Secunderabad
3 Deputy Registrar of Cooperative Societies/ Divisional Cooperative

Officer, Secunderabad Division, Secunderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction preferably one in the nature of Writ of mandamus declaring the order of 1st respondent dt.10-11-2004 in I.A No. 1407/2004 in C.T. A. No. 289/2004, as arbitrary and illegal and consequently set a side the same while directing the respondents-2 and 3 not to take any coercive steps for recovery of award amount, pending finalisation of appeal before the 1st respondent and pass such other or further orders as are necessary.

Counsel for the Petitioners: MR.N.B.CHANDRA SEKHAR

Counsel for the Respondents: GP FOR COOPERATION

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO: 23471 of 2004

Between:

1 N. Pradeep Rao, Prop. of M/s. Anmanth Granites,
R/o. Plot Nos 174 & 175 Part, Saipuri Colony Extension, Sainikpuri,

Secunderabad.
2 Nemarugommula Aruna Devi, W/o. N. Pradeep Rao,
R/o. Plot Nos 174 & 175 Part, Saipuri Colony Extension, Sainikpuri,

Secunderabad.
3 K. Rangakar Rao, S/o. Rajagopal Rao,
B-132, Sainikipuri 1st Avenue, Secunderabad.

..... PETITIONERS

AND

1 Andhra Pradesh Cooperative Appellate Tribunal, at Hyderabad, Rep.

by its Additional Registrar/Member.
2 The Premier Cooperative Urban Bank Limited, Rep. by its Managing

Director- Harihar, 1-8-303/48/1/G, S.P. Road, Secunderabad.
3 Deputy Registrar of Cooperative Societies/ Divisional Cooperative

Officer, Secunderabad Division, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus declaring the order of 1st respondent dated 10-11-2004 in I.A.No.1415/2004 in C.T.A.No.284/2004, as arbitrary and illegal and consequently set aside the same while directing the respondents 2 and 3 not to take any coercive steps for recovery of award amount, pending finalisation of appeal before the 1st respondent and pass such other or further orders.

Counsel for the Petitioners: MR.N.B.CHANDRA SEKHAR

Counsel for the Respondents: GP FOR COOPERATION

The Court at the stage of admission made the following:

HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NOs: 23458, 23463, 23464,

23465, 23466, 23467 and 23471 of 2004

COMMON ORDER:

In this batch of writ petitions, the petitioners challenged the orders passed by the Co-operative Appellate Tribunal in various Interlocutory Applications in the appeals preferred by the petitioners.

2. The Tribunal granted conditional interim orders on 10.11.2004 fixing a schedule for payment of part of the amount due from the petitioners. The petitioners were required to deposit 25% of the amount involved in the respective appeals by 10.12.2004.

3. The learned counsel for the petitioners states that in spite of their best efforts, the petitioners could not mobilize the funds and they would be in a position to pay the same, if adequate time is granted.

4. Heard the learned counsel for the petitioners and the learned Standing Counsel for the second respondent-Bank.

5. The Co-operative Appellate Tribunal has undertaken extensive discussion while passing the orders dated 10.11.2004. It directed the petitioners to deposit 25% of the amount involved on or before 10.12.2004. No exception can be taken to the course adopted by the Tribunal.

6. The petitioners claimed to have filed applications seeking extension of time and complained that no orders have been passed thereon. The Tribunal has shown much indulgence to the petitioners by directing them to deposit 25% of the amount as against the usual 50% of the liability.

7. However, taking the totality of the circumstances into account, time is granted to the petitioners till 15.01.2005 for payment of the amount of 25% in

the respective cases, in default, the stay shall stand vacated.

8. Accordingly, the Writ Petitions are disposed of. No costs.

L.NARASIMHA REDDY, J

27th December, 2004

SKM

To

1 The Addl.Registrar/Member, Andhra Pradesh Cooperative Appellate

Tribunal, at Hyderabad

2 The Managing Director-Harihar, Premier Cooperative Urban Bank Ltd.,

1-8-303/48/1/G, S.P.Road, Secunderabad.

3 Deputy Registrar of Cooperative Societies/ Divisional Cooperative

Officer, Secunderabad Division, Secunderabad.

4 Two C.Cs. to G.P. for Co-operation, High Court Buildings,

High Court of A.P., Hyderabad. (OUT)

5. 2 C.D. copies.